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**COMBINED DECLARATION AND POWER OF ATTORNEY**

(ORIGINAL, DESIGN, NATIONAL STAGE OF PCT, SUPPLEMENTAL, DIVISIONAL,  
CONTINUATION, OR C-I-P)

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As a below named inventor, I hereby declare that:

**TYPE OF DECLARATION**

This declaration is for an original application.

**INVENTORSHIP IDENTIFICATION**

My residence, post office address and citizenship are as stated below, next to my name. I believe that I am an original, first and joint inventor of the subject matter that is claimed, and for which a patent is sought on the invention entitled:

**TITLE OF INVENTION**

Vibratory Venous and Arterial Oximetry Sensor

**SPECIFICATION IDENTIFICATION**

The specification is attached hereto.

**ACKNOWLEDGMENT OF REVIEW OF PAPERS AND DUTY OF CANDOR**

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information, which is material to patentability as defined in 37, Code of Federal Regulations, § 1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable Examiner would consider it important in deciding whether to allow the application to issue as a patent.

**CLAIM FOR BENEFIT OF PRIOR U.S. PROVISIONAL APPLICATION(S)**  
(35 U.S.C. § 119(e))

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below:

**PROVISIONAL APPLICATION NUMBER**

60/433,570

**FILING DATE**

December 12, 2003

## **POWER OF ATTORNEY**

I hereby appoint the following practitioner(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

<b>APPOINTED PRACTITIONER(S)</b>	<b>REGISTRATION NUMBER(S)</b>
Bruce D. Sunstein	27,234
Robert M. Asher	30,445
Timothy M. Murphy	33,198
Steven G. Saunders	36,265
Karen A. Buchanan	37,790
Samuel J. Petuchowski	37,910
Jeffrey T. Klayman	39,250
John J. Stickevers	39,387
Elizabeth P. Morano	42,904
Jay Sandvos	43,900
Alexander J. Smolenski, Jr.	47,953
John L. Conway	48,241
Barbara J. Carter	52,703
Shaun P. Montana	54,320
Charlton Shen	54,442
Kenneth S. Sachar	54,418

I hereby appoint the practitioner(s) associated with the Customer Number provided below to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

### **SEND CORRESPONDENCE TO**

Samuel J. Petuchowski  
125 Summer Street

Boston, MA 02110-1618  
US  
002101

### **DIRECT TELEPHONE CALLS TO:**

Samuel J. Petuchowski  
617-443-9292

## **DECLARATION**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

**SIGNATURE(S)**

Haruhiko H. Asada

**Inventor's signature**

Date \_\_\_\_\_

**Country of Citizenship** US

Residence Lincoln, MA

Post Office Address 147 Old Country Road, Lincoln, MA 01773 US

Phillip Shaltis

**Inventor's signature**

Date \_\_\_\_\_

**Country of Citizenship** US

Residence Jackson, MI

Post Office Address 499 Morris Drive, Jackson, MI 49201 US